

House Bill 28

By: Representatives Levitas of the 82nd, Lunsford of the 110th, Ramsey of the 72nd, Wilkinson of the 52nd, Jerguson of the 22nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To provide for legislative findings; to amend Article 3 of Chapter 5 of Title 16 of the Official
2 Code of Georgia Annotated, relating to kidnapping, false imprisonment, and related offenses,
3 so as to change certain provisions relating to kidnapping; to provide for related matters; to
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 The General Assembly acknowledges the Supreme Court of Georgia's decision in *Garza v.*
8 *State*, Case No. S07G1628, November 3, 2008, which set forth a new standard for
9 asportation as an element of the offense of kidnapping. The General Assembly finds that the
10 Supreme Court of Georgia misinterpreted the General Assembly's silence regarding the
11 "slight movement" standard and hereby clarifies any misunderstanding regarding the
12 elements of the offense of kidnapping.

13 **SECTION 2.**

14 Article 3 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to
15 kidnapping, false imprisonment, and related offenses, is amended by revising subsection (a)
16 of Code Section 16-5-40, relating to kidnapping, as follows:

17 "(a) A person commits the offense of kidnapping when he or she abducts or steals away
18 any person without lawful authority or warrant and holds such person against his or her
19 will. The element of asportation shall be satisfied by any movement of such person,
20 however slight, and there shall be no minimum distance requirement of such movement.
21 The offense of kidnapping shall be considered a separate offense, not merely incidental to
22 the commission of another offense, and shall not merge with any other offense."

23 **SECTION 3.**

24 All laws and parts of laws in conflict with this Act are repealed.